



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

CITIZENS PLAZA BUILDING
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BILL HASLAM
GOVERNOR

DANIELLE W. BARNES
COMMISSIONER

Certified Mail - Return Receipt Requested # 70153010000175365446

March 8, 2017

Dorothea Campbell, CEO
Lashane Hayes, Former CEO
Jemeecia Johnson, Board Chair
Brian Jennings, Trustee
All About Giving, Inc.
5901 Loftis Creek Lane
Knoxville, Tennessee 37924

**RE: Notice of Termination and Disqualification of Child and Adult Care Food Program
Agreement Number 03-47-64619-00-1**

Dear Ms. Campbell, Mr. Jennings, Ms. Johnson & Ms. Hayes:

This letter serves as notice that the Tennessee Department of Human Services ("Department") is terminating the Child and Adult Care Food Program ("CACFP") agreement with All About Giving, Inc. and Dorothea Campbell, CEO, Lashane Hayes, Former CEO, Jemeecia Johnson, Board Chair and Brian Jennings, Trustee (collectively, "Institution"). The grounds for this action are the Institution's failure to correct the serious deficiencies with the Institution's CACFP and the Institution's failure to return the over-payment money due to the Department. The authorization for this action is found in Paragraph 1.e. of your FY 2014 CACFP Provider Agreement and in the United States Department of Agriculture ("USDA") Food and Nutrition Service ("FNS") regulations at 7 C.F.R. § 226.6(c)(3)(iii)(E).

The action in this letter is based on the Institution's failure to provide the over-payment money due to the Department and the Institution's failure to provide a Corrective Action Plan that meets the requirements contained on Page 4 of Memo Code CACFP 14-2012 dated May 1, 2012. On January 5, 2017, the Department of Human Services ("Department") sent you a Notice of Serious Deficiency. The notice outlined the following:

Dorothea Campbell, CEO
Lashane Hayes, Former CEO
Jemeecia Johnson, Board Chair
Brian Jennings, Trustee
All About Giving, Inc.
March 8, 2017

Per the findings of fact in the Administrative Order issued December 2, 2016 (Docket: CF 161000239):

1. In the records submitted to the Department by the Appellant was a May 25, 2016 application for a day care center, purportedly signed and submitted by Dorothea Campbell, to establish participation in the CACFP for a tier 1 day care center that did not exist. Further, a statement signed by Lashane Hayes, Director of All About Giving, Inc., stated that a site inspection had been performed at the facility on May 25, 2016 and had found the facility to be in compliance with the program. Dorothea Campbell, CEO and representative for the Appellant at the instant hearing, stated at the hearing that she had no personal knowledge that such an application was created or submitted, and that she did not own a daycare facility. This constitutes false submission of information on an application, in violation of 7 C.F.R. § 226.6(c)(2)(ii)(A).
2. On August 17, 2016, the Appellant submitted an online claim for reimbursement in the amount of \$44,062.66. The claim was to compensate for costs incurred by thirty-eight (38) tier 1 day care homes with a total attendance of 8414 children for the month. According to that statistic, the average number of children fed at each facility for that month would be 221 children.
3. During a visit by State auditors at her home on September 2, 2016, Ms. Campbell submitted a signed handwritten document that stated she “never had the enrollment for the children.” She attached to this statement a handwritten list of thirty (30) day care homes and affiliated owners and addresses.
4. On September 13, 2016, Ms. Campbell provided the Department, via fax, seven (7) daily attendance and meal count pages that had been submitted to the Appellant by a single day care provider.
5. By correspondence dated September 23, 2016, the Department notified the Appellant that its claim was denied. The reasons for the denial were listed as follows:
 - a. Enrollment records for participating children were not available.
 - b. The number of meals claimed did not match the number of meals served on submitted meal count documentation.
 - c. The number of homes claimed did not match the number of homes on submitted documentation.

This failure resulted in the Department determining that the Institution and the responsible individuals are seriously deficient in their operation of the CACFP. The responsible individual

Dorothea Campbell, CEO
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March 8, 2017

was asked to complete corrective action. However, the Institution and responsible individuals failed to complete an adequate Corrective Action Plan (CAP). Accordingly, the Department determined that the Institution and the Director have failed to fully and permanently correct the serious deficiency cited in the Serious Deficiency Notice.

As a result of the Institution's failure to submit an adequate Corrective Action Plan, a Notice of Proposed Termination and Disqualification was issued February 15, 2017. The Institution did not appeal the Notice of Proposed Termination. As a result, the Institution's CACFP Provider Agreement is formally terminated as of the date of this letter and All About Giving, Inc. and Dorothea Campbell, CEO, Lashane Hayes, Former CEO, Jemeecia Johnson, Board Chair and Brian Jennings, Trustee are disqualified from future CACFP participation as required by the CACFP regulations at 7 C.F.R. § 226.6 (c)(3)(iii)(E).

Institutions and individuals remain on the NDL until USDA's Food and Nutrition Service, in consultation with the Department, determines that the serious deficiencies have been corrected, or until seven years after their disqualification. However, if any debt relating to the serious deficiencies has not been repaid, they will remain on the NDL until the debt and any accrued interest is repaid. In accordance with 7 C.F.R. § 226.14(a), in part, the State agency must assess interest beginning after 30 days from the initial demand. For information about applied interest rates please visit the following website:

http://www.fiscal.treasury.gov/fsreports/rpt/cvfr/historical_rates.htm

The authorization for this action is found in Paragraph 1.e. of your FY 2014 CACFP Provider Agreement and in the CACFP regulations at 7 C.F.R. § 226.6(c)(3)(iii)(C).

If you have any questions, please feel free to contact Allette Vayda at (615) 313-3769.

Sincerely,



Allette Vayda
Director, CACFP & SFSP
AV/ba

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

v.

LASHANE HAYES

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)
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No. 3:16-cr-00224

Judge Aleta Trauger

PLEA AGREEMENT

The United States of America, through David Rivera, United States Attorney for the Middle District of Tennessee, and Assistant United States Attorney Henry Leventis, and defendant, LaShane Hayes, through defendant's counsel, Jodie A. Bell, pursuant to Rule 11(c)(1)(A) and (B) of the Federal Rules of Criminal Procedure, have entered into an agreement, the terms and conditions of which are as follows:

Charges in This Case

1. Defendant acknowledges that she has been charged in the Information in this case with conspiracy in violation of Title 18, United States Code, Section 371 and wire fraud in violation of Title 18, United States Code Section 1343. Defendant further acknowledges that the Information in this case provided notice, pursuant to Fed. R. Crim. P. 32.2, that upon conviction of the offenses alleged in Counts One and Two, conspiracy and wire fraud, defendant shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461, any property which constitutes or is derived from proceeds traceable to the scheme and artifice to defraud.

2. Defendant has read the charges against her contained in the Information, and those charges have been fully explained to her by her attorney. Defendant fully understands the nature and elements of the crimes with which she has been charged.

Charges to Which Defendant is Pleading Guilty

3. By this Plea Agreement, defendant agrees to enter a voluntary plea of guilty to Counts 1 and 2 of the Information, charging conspiracy and wire fraud. In addition, as further provided below, defendant agrees to the entry of a forfeiture judgment.

Penalties

4. The parties understand and agree that the offenses to which defendant will enter a plea of guilty carry the following maximum penalties:

- a. Count 1 (conspiracy): 5 years of imprisonment, 3 years of supervised release, a \$250,000 fine and a \$100 special assessment.
- b. Count 2 (wire fraud): 20 years of imprisonment, 3 years of supervised release, a \$250,000 fine and a \$100 special assessment.

5. Defendant further understands that the Court must order restitution to the victims of the offense in an amount determined by the Court.

6. Defendant also understands that a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future, regardless of whether the defendant currently has lawful temporary or permanent resident status.

7. Defendant also understands that as a result of her offenses, she is subject to forfeiture of property as alleged in the Information.

Acknowledgements and Waivers Regarding Plea of Guilty

Nature of Plea Agreement

8. This Plea Agreement is entirely voluntary and represents the entire agreement between the United States Attorney and defendant regarding defendant's criminal liability in case 3:16-cr-00224.

9. Defendant understands that by pleading guilty she surrenders certain trial rights, including the following:

a. If defendant persisted in a plea of not guilty to the charge against her, she would have the right to a public and speedy trial. Defendant has a right to a jury trial, and the trial would be by a judge rather than a jury only if defendant, the Government, and the Court all agreed to have no jury.

b. If the trial were a jury trial, the jury would be composed of twelve laypersons selected at random. Defendant and her attorney would have a say in who the jurors would be by removing prospective jurors for cause, or without cause by exercising so-called peremptory challenges. The jury would have to agree unanimously before it could return a verdict of either guilty or not guilty. The jury would be instructed that defendant is presumed innocent; that the Government bears the burden of proving defendant guilty of the charge(s) beyond a reasonable doubt; and that it must consider each count of the indictment against defendant separately.

c. If the trial were held by the judge without a jury, the judge would find the facts and determine, after hearing all the evidence, whether or not the judge was persuaded of defendant's guilt beyond a reasonable doubt.

d. At a trial, whether by a jury or a judge, the Government would be required to present its witnesses and other evidence against defendant. Defendant would be able to confront those government witnesses and her attorney would be able to cross-examine them. In turn, defendant could present witnesses and other evidence on her own behalf. If the witnesses for defendant would not appear voluntarily, she could require their attendance through the subpoena power of the Court.

e. At a trial, defendant would have a privilege against self-incrimination so that she could testify or decline to testify, and no inference of guilt could be drawn from her refusal to testify.

10. Defendant understands that by pleading guilty she is waiving all of the trial rights set forth in the prior paragraph. Defendant's attorney has explained those rights to her, and the consequences of her waiver of those rights.

Factual Basis

11. Defendant will plead guilty because she is in fact guilty of the charges contained in Counts 1 and 2 of the Information. In pleading guilty, defendant admits the following facts and that those facts establish her guilt beyond a reasonable doubt:

In 2014, defendant LaShane Hayes incorporated All About Giving as a Tennessee non-profit organization for the purpose of acting as a United States Department of Agriculture Child and Adult Care Food Program sponsor organization. Thereafter, she opened a bank account for All About Giving at SunTrust Bank for the purpose of receiving CACFP funds from the State of Tennessee, which administered CACFP funds.

Between March 2015 and July 2016, defendant LaShane Hayes made monthly CACFP reimbursement requests to the Tennessee Department of Human Services knowing that these

requests overstated the number of providers enrolled in CACFP through All About Giving, overstated the number of meals served to children by All About Giving providers and, therefore, caused the State of Tennessee to deposit more money into All About Giving's bank account than All About Giving and its providers were entitled to receive.

During the same time frame, defendant LaShane Hayes and her co-conspirators created fictitious CACFP provider records which, among other things, overstated the number of meals served to children and listed fictitious children's names in an effort to create the appearance that All About Giving's monthly reimbursement requests to the Tennessee Department of Human Services were accurate.

Also during the same time frame, defendant LaShane Hayes and her co-conspirators created fictitious provider lists which, among other things, included individuals who were not providing any child care and physical addresses which do not exist, in an effort to create the appearance that All About Giving's monthly reimbursement requests to the Tennessee Department of Human Services were accurate.

Also during the same time frame, defendant LaShane Hayes wrote checks from All About Giving's bank accounts to alleged child care providers in an effort to create the appearance that she was distributing meal reimbursement money to child care providers in accordance with her responsibilities as a CACFP sponsor organization. However, after receiving these checks, many of the alleged providers would cash them and return a portion of the money they received to defendant LaShane Hayes.

On or about July 1, 2016, in furtherance of the aforementioned scheme, defendant LaShane Hayes submitted a fraudulent reimbursement request to the Tennessee Department of Human Services representing that All About Giving was entitled to \$258,207.84 to reimburse its providers

for meals served during the month of June 2016 and for administrative costs. In response to defendant LaShane Hayes' request, the State of Tennessee transferred the aforementioned amount via interstate wire from its Tennessee First Bank account, to All About Giving's US Bank Account via US Bank's primary processor which is physically located in St. Paul, Minnesota.

Defendant also acknowledges that her fraudulent conduct caused interstate wire transfers to be made between March 2015 and July 2016, totaling \$2,198,647.93.

This statement of facts is provided to assist the Court in determining whether a factual basis exists for defendant's plea of guilty and criminal forfeiture and to assess relevant conduct for purposes of the United States Sentencing Guidelines. The statement of facts does not contain each and every fact known to defendant and to the United States concerning defendant's and/or others' involvement in the offense conduct and other matters.

Sentencing Guidelines Calculations

12. The parties understand that the Court will take account of the United States Sentencing Guidelines (hereinafter "U.S.S.G."), together with the other sentencing factors set forth at 18 U.S.C. § 3553(a), and will consider the U.S.S.G. advisory sentencing range in imposing defendant's sentence. The parties agree that the U.S.S.G. to be considered in this case are those effective as of ^{Nov. 18} July 1, 2016.

13. For purposes of determining the U.S.S.G. advisory sentencing range, the United States and defendant agree to recommend to the Court, pursuant to Rule 11(c)(1)(B), to the following:

a. Offense Level Calculations.

i. The base offense level for Counts 1 and 2 and relevant conduct is seven (7), pursuant to U.S.S.G. § 2X1.1 and § 2B1.1(a)(1).

ii. Pursuant to U.S.S.G. § 2B1.1(b)(1)(I), the base offense level should be increased by sixteen (16) because the loss amount exceeds \$1,500,000.

iii. The parties agree that sophisticated means were not used to effectuate this fraud and, therefore, an enhancement under U.S.S.G. § 2B1.1(b)(10)(c) is not warranted.

iv. Four (4) levels should be added pursuant to U.S.S.G. § 3B1.1, because the defendant was an organizer or leader of criminal activity that involved 5 or more participants.

v. Two (2) levels should be added pursuant to U.S.S.G. § 3C1.1 because the defendant willfully obstructed or impeded or attempted to obstruct or impede the administration of justice with respect to the investigation of the instant offense of conviction and the obstructive conduct related to the defendant's offense of conviction.

vi. Assuming defendant clearly demonstrates acceptance of responsibility, to the satisfaction of the Government, through her allocution and subsequent conduct prior to the imposition of sentence, a 2-level reduction will be warranted, pursuant to U.S.S.G. § 3E1.1(a) and a 1-level reduction will be warranted, pursuant to U.S.S.G. § 3E1.1(b).

b. Criminal History Category. At the present time, the parties are not aware that defendant prior criminal convictions. The parties, therefore, expect that the defendant will have a criminal history category 1. However, the parties make no agreement as to the defendant's criminal history category.

c. Therefore, the parties agree to recommend to the Court a final offense level of 26 (the "Recommended Offense Level"). Defendant understands that the offense level as ultimately determined by the Court (the "court-determined offense level") may be different from the Recommended Offense Level. Defendant likewise understands that the guidelines range as ultimately determined by the Court (the "court-determined guidelines range") may be based on an offense level different from the Recommended Offense Level.

d. Defendant is aware that the Recommended Offense Level is a prediction, not a promise, and is not binding on the Probation Office or the Court. Defendant understands that the Probation Office will conduct its own investigation and make its own recommendations, that the Court ultimately determines the facts and law relevant to sentencing, that the Court's determinations govern the final guidelines calculations, and that the Court determines both the final offense level and the final guidelines range. Accordingly, the validity of this agreement is not contingent upon the Probation Officer's or the Court's concurrence with the above calculations. In the event that the Probation Office or the Court contemplates any U.S.S.G. adjustments, departures, or calculations different from those recommended above, the parties reserve the right to answer any inquiries and to make all appropriate arguments concerning the same. Defendant further acknowledges that if the Court does not accept the U.S.S.G. recommendations of the parties, defendant will have no right to withdraw her guilty plea.

Agreements Relating to Sentencing

14. The parties are free to recommend any sentence to the Court and may request a sentence outside of the court-determined guidelines range by virtue of either a U.S.S.G.-based departure or the factors set forth in 18 U.S.C. § 3553(a).

15. It is understood by the parties that the Court is neither a party to nor bound by this Plea Agreement and, after consideration of the U.S.S.G., may impose the maximum penalties as set forth above. Defendant further acknowledges she will have no right to withdraw her guilty plea in the event that the Court sentences her above the guidelines range corresponding to the parties' Recommend Offense Level. Similarly, defendant understands that any recommendation by the Court related to location of imprisonment is not binding on the Bureau of Prisons.

16. Regarding restitution, the parties acknowledge that the amount of restitution will be \$1,500,001.00, and that pursuant to Title 18, United States Code, Section 3663A, the Court must order defendant to make restitution in this amount, minus any credit for funds repaid prior to sentencing. Unless the Court orders otherwise, restitution shall be due immediately.

17. Defendant agrees to pay the special assessment of \$100 for each count in the Information at or before the time of sentencing to the Clerk of the U.S. District Court.

Forfeiture in the Form of a Money Judgment

18. The Information charges that defendant is liable to the United States in an amount to be determined by the Court, said amount calculated by the amount constituting or derived from proceeds traceable to the scheme and artifice to defraud as charged in the Information. By entry of a guilty plea to Information, defendant acknowledges that this amount is subject to forfeiture.

19. Defendant and the United States agree that the amount of proceeds of the scheme or artifice to defraud as alleged in Counts One and Two of the Information is \$1,500,001.00.

20. Defendant agrees to the entry of a Consent Order of Forfeiture Consisting of a \$1,500,001.00 Money Judgment in that this amount constitutes or is derived from proceeds traceable to the scheme and artifice to defraud as a result of a violation of Title 18, United States Code, Section 371 and Title 18, United States Code, Section 1343 as charged in the Information, and is therefore

subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

21. Defendant and the United States agree that any payment voluntary made toward the restitution will reduce the money judgment accordingly, and defendant will cooperate and assist the United States in its efforts to recover the proceeds of the crime.

22. Defendant understands that forfeiture of this property shall not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty the Court may impose upon defendant in addition to the forfeiture judgment.

23. Defendant acknowledges that if as a result of her acts or omissions, the proceeds of her crimes of conviction which are subject to forfeiture:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty,

the United States shall be entitled to forfeiture of substitute property, and it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of Defendant, up to the value of said property listed above as being subject to forfeiture.

24. Defendant further acknowledges that the United States is entitled to forfeiture of substitute property in the amount of the proceeds of the crime and therefore agrees to the forfeiture of substitute assets and entry of an order allowing the United States to conduct any discovery proper in identifying, locating or disposing of the property subject to forfeiture in accordance with Fed. R. Crim.

P. 32.2 (c) and 28 U.S.C. §§ 3001(a)(1) and 3015 et seq. and will work with the United States to locate substitute assets.

25. Defendant further agrees to cooperate fully and to execute any supplementary documents and to take any additional actions that may be necessary or appropriate to locate any substitute assets.

26. Defendant further authorizes the United States Probation and Pretrial Services Office (U.S.P.O.) to release the Presentence Investigative Report and all financial documents pertaining to defendant to the Asset Forfeiture Unit of the United States Attorney's Office for the Middle District of Tennessee.

27. Defendant further authorizes the Internal Revenue Service to Release her tax returns for the period of 2013 through 2017.

28. Defendant agrees not to open new lines of credit without prior authorization from United States Probation and Pretrial Services.

29. Defendant agrees to waive all appellate rights concerning the entry of the money judgment and all matters related thereto.

Presentence Investigation Report/Post-Sentence Supervision

30. Defendant understands that the United States Attorney's Office, in its submission to the Probation Office as part of the Pre-Sentence Report and at sentencing, shall fully apprise the District Court and the United States Probation Office of the nature, scope, and extent of defendant's conduct regarding the charges against her, as well as any related matters. The Government will make known all matters in aggravation and mitigation relevant to the issue of sentencing.

31. Defendant agrees to execute truthfully and completely a Financial Statement (with supporting documentation) prior to sentencing, to be provided to and shared among the Court, the

United States Probation Office, and the United States Attorney's Office regarding all details of her financial circumstances, including her recent income tax returns as specified by the Probation Officer. Defendant understands that providing false or incomplete information, or refusing to provide this information, may be used as a basis for denial of a reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1 and enhancement of her sentence for obstruction of justice under U.S.S.G. § 3C1.1, and may be prosecuted as a violation of Title 18, United States Code, Section 1001, or as a contempt of the Court.

32. This Plea Agreement concerns criminal liability only. Except as expressly set forth in this Plea Agreement, nothing herein shall constitute a limitation, waiver, or release by the United States or any of its agencies of any administrative or judicial civil claim, demand, or cause of action it may have against defendant or any other person or entity. The obligations of this Plea Agreement are limited to the United States Attorney's Office for the Middle District of Tennessee and cannot bind any other federal, state, or local prosecuting, administrative, or regulatory authorities, except as expressly set forth in this Plea Agreement.

33. Defendant understands that nothing in this Plea Agreement shall limit the Internal Revenue Service (IRS) in its collection of any taxes, interest, or penalties from defendant and her spouse.

Entry of Guilty Plea

34. The parties jointly request that the Court accept the defendant's plea of guilty as set forth in this agreement and enter an order reflecting the acceptance of the plea.

Waiver of Appellate Rights

35. Regarding the issue of guilt, defendant hereby waives all (i) rights to appeal any issue bearing on the determination of whether she is guilty of the crimes to which she is agreeing to plead guilty; and (ii) trial rights that might have been available if she exercised her right to go to trial. Regarding sentencing, defendant is aware that 18 U.S.C. § 3742 generally affords a defendant the right to appeal the sentence imposed. Acknowledging this, defendant knowingly waives the right to appeal any sentence within or below the Recommended Guidelines Range. Defendant further waives all appellate rights and all collateral attacks concerning forfeiture and all matters related thereto. Defendant also knowingly waives the right to challenge the sentence imposed in any collateral attack, including, but not limited to, a motion brought pursuant to 28 U.S.C. § 2255 and/or § 2241, and/or 18 U.S.C. § 3582(c). However, no waiver of the right to appeal, or to challenge the adjudication of guilt or the sentence imposed in any collateral attack, shall apply to a claim of involuntariness, prosecutorial misconduct, or ineffective assistance of counsel. Likewise, the Government waives the right to appeal any sentence within or above the Recommended Guidelines Range.

Other Terms

36. Defendant agrees to cooperate with the United States Attorney's Office in collecting any unpaid fine and restitution for which defendant is liable, including providing financial statements and supporting records as requested by the United States Attorney's Office.

37. Defendant agrees to cooperate with the IRS in any tax examination or audit of defendant and her husband that directly or indirectly relates to or arises out of the course of conduct defendant has acknowledged in this Plea Agreement, by transmitting to the IRS original records or

copies thereof, and any additional books and records that the IRS may request. Nothing in this paragraph precludes defendant from asserting any legal or factual defense to taxes, interest, and penalties that may be assessed by the IRS.

38. Should defendant engage in additional criminal activity after she has pled guilty but prior to sentencing, defendant shall be considered to have breached this Plea Agreement, and the Government at its option may void this Plea Agreement.

Conclusion

39. Defendant understands that the Information and this Plea Agreement have been or will be filed with the Court, will become matters of public record, and may be disclosed to any person.

40. Defendant understands that her compliance with each part of this Plea Agreement extends until such time as she is sentenced, and failure to abide by any term of the Plea Agreement is a violation of the Plea Agreement. Defendant further understands that in the event she violates this Plea Agreement, the Government, at its option, may move to vacate the Plea Agreement, rendering it null and void, and thereafter prosecute defendant not subject to any of the limits set forth in this Plea Agreement, or may require defendant's specific performance of this Plea Agreement.

41. Defendant and her attorney acknowledge that no threats have been made to cause defendant to plead guilty.

42. No promises, agreements, or conditions have been entered into other than those set forth in this Plea Agreement, and none will be entered into unless memorialized in writing and signed by all of the parties listed below.

43. Defendant's Signature: I hereby agree that I have consulted with my attorney and fully understand all rights with respect to the pending Information. Further, I fully understand all rights with respect to the provisions of the Sentencing Guidelines that may apply in my case. I have read this Plea Agreement and carefully reviewed every part of it with my attorney. I understand this Plea Agreement, and I voluntarily agree to it.

Date:

1-3-7

LaShane Hayes

LaShane Hayes
Defendant

44. Defense Counsel Signature: I am counsel for defendant in this case. I have fully explained to defendant her rights with respect to the pending Information. Further, I have reviewed the provisions of the Sentencing Guidelines and Policy Statements, and I have fully explained to defendant the provisions of those guidelines that may apply in this case. I have reviewed carefully every part of this Plea Agreement with defendant. To my knowledge, defendant's decision to enter into this Plea Agreement is an informed and voluntary one.

Date:

1-3-17


Jodie A. Bell

Attorney for Defendant

Respectfully submitted,

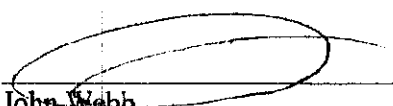
DAVID RIVERA

United States Attorney

By: 

Henry C. Leventis

Assistant U.S. Attorney


John Webb

Deputy Chief

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

v.

LASHANE HAYES

No. 3:16-CR-00224

JUDGE TRAUGER

PETITION TO ENTER A PLEA OF GUILTY

I, LASHANE HAYES, respectfully represent to the Court as follows:

(1) My true full name is LASHANE HAYES. I was born in Knoxville, Tennessee and am currently forty-four years old; my date of birth is 11/22/1972. I have a high school diploma and attended some classes at the junior college level. I am a United States citizen.

(2) My lawyer is Jodie Ann Bell.

(3) I have received a copy of the above referenced information before being called upon to plead and have read and discussed it with my lawyer, and believe and feel that I understand every accusation made against me in the criminal information.

(4) I have had sufficient opportunity to discuss with my lawyer the facts and surrounding circumstances concerning the matters mentioned in the above referenced information. My lawyer has counseled and advised with me as to the nature and cause of every accusation against me. We have thoroughly discussed the government's case against me and my potential defenses to the government's case. My lawyer has explained each element of the crime charged to me and what the government would offer to prove these elements beyond a reasonable doubt.

(5) I understand that the statutory penalty for each of the offenses with which I am charged is,

a. as to Count One, alleging the offense of conspiracy in violation of Title 18 U.S.C. section 371 a Class D felony:

- i. Up to five years incarceration,
- ii. a fine of up to \$250,000,
- iii. a mandatory \$100 special assessment, and
- iv. a term of supervised release of not more than three years in addition to such term of imprisonment.

b. as to Count Two wire fraud, in violation of Title 18 U.S.C. section 1343, a Class C felony:

- i. No more than twenty years incarceration,
- ii. a fine of up to \$250,000,
- iii. a mandatory \$100 special assessment, and
- iv. a term of supervised release up to three years in addition to such term of imprisonment.

I understand that terms of imprisonment for convictions on more than one count may be ordered to run concurrently or consecutively with each other.

(6) I have been advised that I will be sentenced to a sentence sufficient but not greater than necessary to satisfy the goals of sentencing specified in Title 18 U.S.C. § 3553(a). One consideration will be Guidelines established by the United States Sentencing Commission. I understand that these Guidelines are advisory, but that the Court must take account of the Guidelines together with other sentencing goals. My lawyer and I have discussed the calculation of the Guidelines in my case. My lawyer has given me an estimate of the Guidelines range that may apply in my case. **My attorney estimates my advisory sentencing guideline range is 63-78 months.** I realize that this is simply my lawyer's estimate. I understand that my advisory Guideline range will be calculated by the United States Probation Officer who prepares the presentence report in my case. This estimation is subject to challenge by either me or the government, unless prohibited by a plea agreement. The final Guideline calculation will be made by the Court. I further understand that I may be sentenced to a fine to be calculated through the Guidelines. No fine will be imposed if the Judge finds me unable to pay any fine. Considered in this fine may be the amount of financial loss to the victim or gain to me as well as the costs of any confinement or probation supervision. The Court may also order that restitution be made to any victim of the offense. If I am convicted of any offense specified in 18 U.S.C. § 3663A(c), or as otherwise required by law, restitution is mandatory. I have a right to a review of my sentence by the United States Court of Appeals for the Sixth Circuit unless waived in the plea agreement.

(7) I understand that I am not eligible for a sentence of probation if I receive any sentence of imprisonment or am convicted of a Class A or Class B felony punishable by twenty or more years imprisonment. **I intend to ask for a variance resulting in a probationary sentence based, in part, upon my medical condition.** I have been informed that under the present federal sentencing system there is no parole. Should I receive a sentence of confinement, I will receive only 54 days good time credit per year and it will not vest until the end of each year. I further understand that if I am sentenced to a period of supervised release and I violate the terms of that supervised release, upon revocation I could be imprisoned again.

(8) I understand that should this plea of guilty be accepted, I will be a convicted felon in the eyes of the law for the rest of my life. This means, under present law that (a) I cannot vote in Tennessee, unless my right to vote is lawfully restored, and may not be eligible to vote in other states; (b) I cannot possess a firearm anywhere; (c) If I am presently on probation, parole, or supervised release whether state or federal, the fact that I have been convicted may be used to revoke

my probation, parole or supervised release regardless of what sentence I receive on this case; (d) If I am convicted of any crime in the future, whether state or federal, this conviction may be used to increase that sentence; (e) I may have to disclose the fact that I am a convicted felon when applying for employment and such disclosure may result in my not getting some jobs and having difficulty in getting others. If I have been convicted of certain drug offenses, my conviction may result in my losing entitlement to certain federal benefits pursuant to the Anti-Drug Abuse Act of 1988. I understand that this list may not include all of the adverse consequences of my conviction in this case.

(9) I understand that I can plead "NOT GUILTY" to any or all offenses charged against me, and continue to plead "NOT GUILTY", and that if I choose to plead not guilty, the Constitution guarantees me (a) the right to a speedy and public trial by jury; (b) the right not to testify and no implication of guilt would arise by my failure to do so; (c) the right to be presumed innocent until such time, if ever, that the government proves my guilt beyond a reasonable doubt to the satisfaction of a court and jury; (d) the right to see and hear all the witnesses and to cross-examine any witness who may testify against me; (e) the right to use the power and process of the court to compel the production of any evidence, including the attendance of any witnesses, in my favor; and to testify in my own behalf if I choose to do so; (f) the right to have the assistance of counsel in my defense at all stages of the proceedings; (g) if I am convicted at such trial I have the right to appeal with a lawyer to assist me and the appeal will not cost me any money if I am indigent. I understand that if the Court accepts my plea that there will be no jury trial and that I will be convicted of the count(s) to which I plead just as if a jury found me guilty of the charge(s) following a trial. The Court may then impose sentence upon me subject to the maximum punishments set forth in paragraph (5).

(10) No officer or agent of any branch of government (federal, state or local), nor any other person, has guaranteed me what sentence I will receive. If there are any agreements between myself and my lawyer and the prosecution concerning my plea they are fully set forth in paragraph (13) below. I understand that even with a plea agreement no person can bind the Judge to give any particular sentence in my case. If the Judge rejects an agreement pursuant to Federal Rule of Criminal Procedure 11(c)(1)(A) or (C) I will be offered the opportunity to withdraw my guilty plea. If the Judge rejects a recommendation made pursuant to Rule 11(c)(1)(B) I have no right to withdraw my plea. I understand that if the Judge decides to make a recommendation about where I should serve any incarceration that the recommendation is not a promise or a guarantee, but only a recommendation and is not binding on the Bureau of Prisons which will make the final decision (after I am sentenced) about where I will be incarcerated.

(11) My lawyer has done all the investigation and research in this case that I have asked her to do, and has reviewed with me the discovery material provided by the Government. I am satisfied with her representation at this point.

(12) Fully understanding my rights to plead "NOT GUILTY" and fully understanding the consequence of my plea of guilty, I wish to plead "GUILTY" and respectfully request the Court to accept my plea as follows:

GUILTY as to Count One, alleging conspiracy in violation of Title 18 U.S.C section 371, a Class D Felony.

GUILTY as to Count Two, alleging wire fraud in violation of Title 18 U.S.C. section 1343, a Class C Felony.

(13) This plea is the result of a plea agreement between my lawyer and the prosecution under the provisions of Rule 11 of the Federal Rules of Criminal Procedure.

(14) I offer my pleas of "GUILTY" freely and voluntarily and of my own accord; also my lawyer has explained to me, and I feel and believe I understand this petition.

(15) I am not under the influence of either drugs or alcohol.

(16) I request the Court to enter now my pleas of "GUILTY" as set forth in paragraph (12) of this petition, in reliance upon my statements made in this petition.

(17) Recognizing that the Court may reserve acceptance of this plea pending the receipt of the pre-sentence report, I agree that the pre-sentence report may be disclosed to the United States Attorney, my counsel and myself, prior to the sentencing hearing.

Signed by me in open court under the penalties of perjury in the presence of my lawyer, this the 3rd day of January 2017.


LASHANE HAYES

ACKNOWLEDGMENT OF GOVERNMENT ATTORNEY

The maximum punishment, plea and plea agreement (if any) are accurately stated above.


HENRY LEVENTIS

CERTIFICATE OF COUNSEL

The undersigned, as lawyer and counselor for LASHANE HAYES, hereby certifies as follows:

(1) I have read and fully explained to Lashane Hayes all the accusations against him in this case;

(2) To the best of my knowledge and belief each statement set forth in the foregoing petition is accurate and true;

(3) In my opinion the plea of "GUILTY" as offered by Lashane Hayes in paragraph (12) of the foregoing petition, is voluntarily and understandingly made; and I recommend to the Court that the plea of "GUILTY" be accepted and entered as requested in paragraph (12) of the foregoing petition.

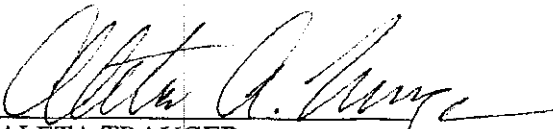
Signed by me in open court in the presence of me the 3rd day of January 2017.


JODIE ANN BELL

ORDER

Good cause appearing therefore from the foregoing petition of the foregoing named defendant and the certificate of her counsel and for all proceedings heretofore had in this case, it is ORDERED that the petition be granted and the defendant's plea of "GUILTY" be accepted and entered as prayed in the petition and as recommended in the certificate of counsel.

Done in open court this 3rd day of January 2017.



ALETA TRAUGER
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE**

UNITED STATES OF AMERICA

v.

LASHANE HAYES

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Case No. 3:16-cr-00224

Judge Trauger

NOTICE OF SENTENCING DATE

The sentencing hearing in the above-styled case is set on **Wednesday, April 12, 2017 at 2:30 p.m.**, in the United States Courthouse, 801 Broadway, Nashville, Tennessee, Courtroom No. 873. You will receive no further notice.

If the defendant is released on bond, his or her failure to appear for sentencing on the above date may result in the forfeiture of bond and/or additional charges.

The defendant is instructed to report immediately to the United States Probation Office of this Court to initiate the Presentence Investigation (Room A725, 7th Floor, 736-5771). The Probation Office is directed to submit a Presentence Investigation and report to the Court.

KEITH THROCKMORTON, CLERK

BY: Kathryn Beasley
Courtroom Deputy Clerk

TELEPHONE: 615-736-7157

NOTE: No continuance can be granted except by Order of the Court. Any request should be brought to the Court's attention as soon as possible by calling the Courtroom Deputy at the above number.

cc: United States Attorney
Defendant
Counsel for Defendant
U.S. Probation
U.S. Marshal

